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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/094,719	06/15/1998	WILLIAM J. SLYNE	9991-06	8716

7590

04/29/2004

John H. Thomas, P.C.  
1561 East Main Street  
Richmond, VA 23219

EXAMINER
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TRINH, MINH N

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 04/29/2004

31

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/094,719

Applicant(s)

SLYNE, WILLIAM J.

Examiner

Minh Trinh

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-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-36 is/are pending in the application.
- 4a) Of the above claim(s) 8-20, 25, 26 and 28-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-24, 27, 31 and 34-36 is/are rejected.
- 7) ☒ Claim(s) 32 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Receipt is acknowledged of the "conditional" request for RCE application is acceptable and a RCE has been established. An action on the RCE follows.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Objections***

3. a) Claims 35-40 have been renumbered to 31-36. Therefore, claims amended claims 35-37 should be read as 31-33 to reflect the change set forth in prior Action (see prior Action, paragraph 3, dated 8/6/2003).  
b) Dependent claims 21-24, 27 and 32-36, "A method" (line 1) should be change to: --The method-- to read on the dependent claim formats.

### ***Claim Rejections - 35 USC § 103***

4. Claims 31, 34-36, 21-24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burmeister et al (4,570,518) in view of Pearl (4,725,961).

Burmeister et al disclose a method of cutting web material comprising steps of: providing at least two cutting means 12, 64 and a rotating cylindrical cutting surface 18 (see Fig. 1); advancing the web material over the cylindrical cutting surface 18 (as shown in Fig. 1). Burmeister et al however do not teach the moving the cutting means across the cylindrical cutting surface and the cutting the web of material while rotating

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the cylindrical surface. Pearl teaches the steps as described above including moving the cutting means across the cylindrical cutting surface 26; (see the discussion at col. 4, lines 45-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the Pearl's teachings as described in details above onto the method invention of cutting method invention of Burmeister et al for various known benefits including that as described above. The motivation for this combination is disclosed by Pearl at col. 3, lines 40-44.

As applied to claim 34, each of the applied art reference teaches that the cutting means being capable of moving independently (see Fig. 1 of Burmeister et al or Pearl)

Limitation of claim 35, noting Pearl's air pump 32 is readable as an air assistant means as recited in claim 35 of the present invention

Limitation of claim 36, noting each reference discloses the cutting means spans the width of the rotating cylindrical cutting surface (see Fig. 1 of Burmeister et al or Pearl).

As applied to claims 21-23 and 27, Burmeister et al teach the cutting means disposed on rail means and the rail means disposed parallel to the axis of rotation of the cylindrical cutting surface, etc. (see Figs. 1-2 of Burmeister et al, depicts the above features).

### ***Response to Arguments***

5. Applicant's arguments have been acknowledged but are moot in view of the new ground(s) of rejection.

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6. The amendment to the claims has not overcome the claim objections (see paragraph 3 above).

***Allowable Subject Matter***

7. Claims 32-33 would be allowable if rewritten to overcome the informal claim objection(s), set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Prior Art References***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art references are cited for their teaching of method of cutting web material.

***Conclusion***

9. Please provide numeral references to the claimed limitations as well as support in the disclosure (i.e., page and line numbers and reference number associated with from the drawings) for better clarity. Applicant requires pointing out the support for any amendment made to the disclosure and the claims. See 37CFR 1.111 and section 2163.06 of the MPEP.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7307 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

A handwritten signature in black ink, appearing to read 'Minh Trinh', followed by a horizontal line.

Minh Trinh  
Patent Examiner Group 3729

mt  
April 27, 2004